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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,885	04/30/2001	Manuel Gonzalez	60006756-1	1164

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT	PAPER NUMBER
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2672

9

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/843,885

Applicant(s)

GONZALEZ ET AL.

Examiner

Faranak Fouladi

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 17-23 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed on 04/30/2001; Amendment A, filed on 07/23/03; and Drawing Amendment, filed on 07/23/03.
2. Claims 1-23 are pending in the case, with claims 1, 11 and 17 being independent.
3. Applicant has affirmed the prior election to prosecute Group I, Claims 1-16, since the restriction/election requirements are still maintained by the office.
4. The present title of the application is "System and Method for Displaying and Printing Images according to Selected Sizes " (as originally filed).
5. **THIS ACTION IS MADE FINAL.**

### ***Election/Restrictions***

6. Applicant's election with traverse of Group I claims 1-16, in Paper No. 7 are acknowledged. The traversal is on the ground(s) that there is no serious burden to the office for examination of entire claims and both groups can be conveniently searched and examined together.

This is not found persuasive because group I, claims 1-16, are drawn to a system for displaying an image at its selected size, classified in class 345, subclass 593 whereas group II, Claims 17-23, are drawn to a business method for supplying printed versions of selected images to a customer, classified in class 705, subclass 50. Group II has separate utility such as supplying printed version of selected images to customer, since it suffices to a business method for supplying printed images only.

These inventions are distinct for the reasons given above and a completely separate and different search is required for each group. Therefore, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 recites the limitations "said selected image" in line 2 and "the dimensions" in line 8-9 of the claim. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Salgado US Patent 5,831,747.

9. Regarding independent claim 1, "a system for displaying an image at its selected

size, wherein said selected image is configured for printing by a large format printer, said system comprising: a terminal for displaying a plurality of images, said terminal including an image program for enabling the display of at least one of said images on said terminal, said image program being configured to enable the selection of a plurality of attributes of said image, wherein said selection of said plurality of attributes includes at least one option for selecting the dimensions for said image; and a display device for displaying said selected image according to said selected dimensions, such that said image is displayed at its selected dimensions." Salgado disclose in col. 6 lines 24-67 and in Fig 2.

10. Regarding dependent claim 2, "the system according to claim 1, further comprising: a viewing surface upon which said selected image is operable to be displayed." Salgado disclose in col. 6 lines 60-61.

11. Regarding dependent claim 3, "the system according to claim 2, wherein said viewing surface comprises a wall or a screen." Salgado disclose in col. 6 lines 60-61

12. Regarding dependent claim 4 "the system according to claim 1, wherein said terminal enables the selection of a mounting background for display with said selected image." Salgado disclose in col. 6 lines 50-63.

13.Regarding dependent claim 5 "the system according to claim 4, wherein said terminal further enables the selection of color and dimensions for said mounting background and wherein said display device is operable to display a mounting background image according to said selected color and dimensions of said mounting background." Salgado disclose in col. 6 lines 24-50.

14.Regarding dependent claim 6,"the system according to claim 4, wherein said terminal enables the selection of a mounting position for said selected image on said mounting background." Salgado disclose in col. 7 lines 29-39.

15. Regarding dependent claim 7,"the system according to claim 6, wherein said display device is operable to display said selected image according to said selected mounting position with respect to said mounting background." Salgado disclose in col. 7 lines 29-42.

16.Regarding dependent claim 8,"the system according to claim 1, wherein said terminal further comprises an aesthetic engine program for providing decorator information." Salgado disclose in col. 7 lines 29-51.

17.Regarding dependent claim 9,"the system according to claim 1, further comprising a printer operable to produce a printed version of said selected image." Salgado disclose in col. 6 lines 63-64.

18. Regarding dependent claim 10, "the system according to claim 9, wherein said printer is a large format printer operable to print said selected image on a print medium having at least an A3 size". Salgado disclose in col. 8 lines 66-57. Salgado disclose that "...the composite frame/image is generated with a digital copier such as the Xerox 5775 color copier", Xerox 5775 color copier uses A3 size paper.
19. Claims 11-16 recite method steps performed by the system of claims 1-10; therefore they are similar in scope and rejected under the same rationale.

### ***Response to Arguments***

20. Applicant's arguments filed on 07/25/03 have been fully considered but they are not persuasive.

Applicant argues on page 16 line 4-6 of the amendment "Figure 2 and the above text cited by the office do not disclose or suggest a display device for displaying said selected image...at its selected dimensions." Applicant further argues, "Salgado's discloser, shown in Fig. 1, teaches that the user interface 14 is small and control-panel like." and "Salgado simply does not disclose or suggest displaying an image at any appreciable size. Thus, in this text and figure, Salgado discloses a user interface that is too small and not usable as a display device for displaying said selected image ... at its selected dimensions."

Independent claim 1 does not include size limitation for the display and therefore size cannot be used to differentiate Salgado's user interface (display) from the

claimed invention's display. In addition Salgado disclose a display enable to show electronic documents on a screen (col. 3 lines 54-57). Salgado states in col. 3 lines 54-57 "Digitized electronic documents may be created, trapped, modified, stored and /or otherwise processed by PC 5 prior to transmission/relay to IPS 12 for printing on printer 18. The display of PC 5 may show electronic documents on a screen."

Modification of an electronic document can include selection of dimensions.

### ***Conclusion***

**21. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Faranak Fouladi** whose telephone number is **703-305-3223**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi** can be reach at **703-305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

**Or faxed to: 703-872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-305-4750.

**Faranak Fouladi-Semnani**  
**Patent Examiner**  
**Art Unit 2672**

*Jeffery A. Briet*  
**JEFFERY BRIET**  
**PRIMARY EXAMINER**